

REMARKS

Favorable reconsideration and allowance of the claims as presented herein in view of the following remarks are respectfully presented.

The Examiner has rejected Claims 1 and 20-35 under 35 U.S.C. §102(b) as being anticipated by Tittle U.S. Patent No. 4,886,590 ("Tittle"). This rejection is respectfully traversed.

Nowhere does Tittle disclose or suggest "a process for the automatic determination of the alkalinity of one or more cleaning baths containing surfactant, the process comprising the following steps performed under program control, (a) drawing a sample of specified volume from a cleaning bath, (b) determining alkalinity of a sample using an acid-base reaction with an acid, the determining step being performed by a measuring device, (c) outputting the resulting step (b), and (d) adding one or more replenishing components to the cleaning bath if the result of step (b) is below a preset value" as presently recited in Claim 1.

Rather, Tittle discloses a microprocessor-based apparatus for the measurement and correction of a process solution by analyzing the chosen characteristic to be controlled for that bath and comparing the measurements to established, acceptable characteristic limits and make necessary corrections. Tittle further discloses that a titrator can be employed to monitor acidity or the residual etching capacity (i.e., the total acidity) of the bath (see column 4, lines 16-63). At no point, however, is there any disclosure or suggestion in Tittle of determining the alkalinity of a cleaning bath using an acid-base reaction with an acid. In lacking any disclosure or

suggestion of the presently claimed process for the automatic determination of the alkalinity of one or more cleaning baths containing surfactant comprising, *inter alia*, determining alkalinity of a sample using an acid-base reaction with an acid, Claims 1 and 20-35 are believed to be patentable over Tittle.

Thus, the Examiner has failed to meet his burden of establishing where Tittle specifically discloses each and every element of applicants' claims, in particular the step of determining alkalinity using an acid-base reaction with an acid. Therefore, the Examiner is respectfully requested to identify with particularity (i.e., by column and line number) where, in fact, Tittle discloses each of the specifically recited steps in the process as set forth in Claim 1.

For the foregoing reasons, Claims 1 and 20-35 are believed to be patentable over Tittle. Accordingly, withdrawal of the rejection of Claims 1 and 20-35 under 35 U.S.C. §102(b) is respectfully requested.

The Examiner has rejected Claims 15-19 under 35 U.S.C. §103(a) as being obvious over Tittle in view of Rolchigo et al. U.S. Patent No. 5,820,690A ("Rolchigo"). This rejection is respectfully traversed.

The foregoing deficiencies of Tittle discussed above with respect to the rejection of Claim 1 apply with equal force to this rejection. As Tittle does not disclose or suggest each of the steps of applicants' Claim 1, Tittle cannot possibly disclose or suggest the steps of Claims 15-19, which ultimately depend from Claim 1.

Rolchigo does not cure and is not cited as curing the deficiencies of Tittle. Specifically, nowhere does Rolchigo disclose or suggest the automatic determination of the alkalinity of one or more cleaning baths containing a surfactant employing the steps of "determining alkalinity of cleaning bath using an acid-base reaction with an acid" as generally recited in Claim 1. Rather, Rolchigo is merely cited for its disclosure that a cleaning process can generate solid or aggregate particulate matter and the removal of this matter. In addition, Rolchigo is cited for the disclosure of "the use of titration in determining free and total alkalinity in determining cleaner activity" (see col. 10, lines 11-26). At no point, however, is it seen where Rolchigo provides any suggestion, motivation or even a hint of determining alkalinity of a sample using an acid-base reaction with an acid. Instead, Rolchigo merely discloses a cleaning process to remove soil using cleaners exhibiting cloud point behavior. Thus, even by combining Tittle and Rolchigo one would not arrive at the presently claimed process for automatic determination of alkalinity of one or more cleaning baths containing surfactant comprising, *inter alia*, determining alkalinity of a sample using an acid-base reaction with an acid.

Besides, it is well established that there must be some teaching, motivation or suggestion to select and combine references relied upon as evidence of obviousness. *In re Lee*, 277 F.3d 1338, 1342-43, 61USPQ 2d 1430, 1433-34 (AFC2002). Certainly, Rolchigo does not provide any such teaching, suggestion or incentive to determine alkalinity of a sample using an acid-base reaction with an acid as set forth in Claim 1 from which Claims 15-19 ultimately depend. Thus, one skilled in the art would not be motivated by Rolchigo to modify the process of Tittle to

arrive at the presently claimed process for automatic determination of the alkalinity of one or more cleaning baths containing surfactant comprising, *inter alia*, determining alkalinity of the sample using an acid-base reaction with an acid.

For the foregoing reasons, Claims 15-19 are believed to be nonobvious, and therefore patentable, over Tittle in view of Rolchigo. Thus, withdrawal of the rejection of Claims 15-19 under 35 USC §103(a) is respectfully requested.

For the foregoing reasons, Claims 1 and 15-35 as presented herein are believed to be in condition for immediate allowance. Such early and favorable action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael E. Carmen". The signature is fluid and cursive, with the first name "Michael" being more prominent.

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